

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JAMES M. THOMAS,

Plaintiff,

v.

MARTHA SIMAS, *et al.*,

Defendants.

Case No. 3:24-cv-00135-MMD-CSD

ORDER

On April 15, 2024, in response to this Court's show-cause order, Plaintiff James Thomas filed a motion to voluntarily dismiss this action as filed in error and duplicative of his earlier filed action, *Thomas v. Simas*, Case No. 3:24-cv-00134-LRH-CLB. (ECF Nos. 7, 8.) Because this action was filed in error, Thomas also asks that the Court refrain from assessing the filing fee. (ECF No. 8 at 2.) Federal Rule of Civil Procedure 41(a)(1)(A)(i) provides that a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment[.]" No party has appeared other than Plaintiff, and no responsive pleading or summary judgment motion has been filed in this case. Voluntary dismissal under Rule 41(a)(1)(A)(i) is thus appropriate here.

It is therefore ordered that the motion to dismiss (ECF No. 8) is granted. This action is dismissed without prejudice.

It is further ordered that Plaintiff's application to proceed *in forma pauperis* (ECF Nos. 4, 6) is denied as moot. Plaintiff will not be assessed the filing fee.

The Clerk of Court is directed to enter judgment accordingly and close this case.

DATED THIS 25th Day of April 2024.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE